

SUBDIVISION MEETING
March 9, 2006

Chair Anita Varone called the meeting to order at 9 a.m.

Commissioners Murray and Tinsley were present. Others attending all or portion of the meeting included Ron Alles, Rj Zimmer, Marni Bentley, Chad and Wade Bachmeier, Greg McNally, Kelly Williams, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. Ron Alles reported on the consent action items.

a. Vendor Claims Report for the week of March 6, 2006. The claims report is available on the county website for public review. Commissioner Tinsley moved approval of the consent items and authorize the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Request for Proposal Award. GIS Specialist Rj Zimmer reported on the Request for Proposals for aerial mapping for 2006. Seven proposals were opened at last week's Commission meeting. The review committee has recommended VarGIS, LLC be awarded the bid in the amount of \$67,390.

Commissioner Tinsley moved approval of staff's recommendation and authorize the Chair to sign the necessary contract documents. Commissioner Murray seconded the motion and it carried unanimously.

Resolution Of Intention To Create Rural Improvement District No. 2006-1 For The Maintenance Of York Road. Marni Bentley reported this RID will assist in maintaining a portion of York Road past the York Bar to the end of the hard surface approximately 3.14 miles. The cost for the maintenance will be \$15,750 and each lot would be assessed \$250.00 annually. Once this resolution is approved, the public notification process can begin and a public hearing on the creation will be held. Staff recommends approval of the resolution. Ron Alles reported that the County has contributed \$15,000 to help maintain that section of road.

Commissioner Murray moved approval of the resolution and authorize the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Resolution To Create Rural Improvement District 2006-2 For The Grass-Land Major Subdivision. Marni Bentley reported the county received a petition from the developer, Duane Noel, of Grass-Land Major Subdivision requesting creation of this maintenance district. The annual cost will be \$12,188.00 and \$190.44 per lot. Staff recommends approval of the resolution. The rate hearing will occur after the final plat is filed and the Department of Revenue has issued tax identification numbers.

Commissioner Tinsley moved approval of the resolution and authorize the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be known as Bachmeier Minor.
(Applicants, Chad & Wade Bachmeier) (Planner, Greg McNally) (cont. from 2/28/06)
(Decision) The applicant proposes to create 5 lots, 3 each for one single-family dwellings (lots 3-5) and 2 for commercial use (lots 1-2). The existing 10.75-acre tract would be divided into 5 lots ranging in size from 0.11 acres to 4.66 acres. The proposed subdivision is generally located east of Diehl Drive and immediately north of Highway 12 East.

Greg McNally recommends revised language to conditions 12.d and 12.u.
Condition 12.d to read, "a notification that buildings other than one and two family dwellings on Lot No. 2 shall be sprinkled according to Montana State Adopted Fire Standards. The installation of a sprinkler system shall be in accordance with 18-8.1.3 and 18-8.1.5 in Appendix L of the Lewis and Clark County Subdivision Regulations."

Condition 12.u to read, a notification of the presence of agricultural operations in the vicinity and "that such operations may occur at varying times and seasons and include but are not limited to the operation of machinery, the pasturing and feeding of livestock, irrigation and the application of fertilizers, herbicides and pesticides to fields.

The applicant has requested a variance from the regulation that requires 20 feet of utility easement along all the side lot lines and is proposing 10 feet along lot 5. The reason for this variance request is there is an existing drain field that sits within 20 feet of the utility easement. By moving the utility easement from 20 feet to 10 feet the applicant will be able to retain the use of his existing drain field. If any activity were required to take place along the utility easement then the applicant would have to remove his drain field.

Ron Alles suggested an encroachment agreement could be put in place that would allow the drain field to encroach on that easement. Commissioner Varone asked the applicants if they would be opposed to an encroachment agreement as a possible alternative to a variance.

Kelly Williams, Stahly Engineering, representing the applicants, stated the applicants would not be opposed to an encroachment agreement if the variance is not granted.

Commissioner Murray moved approval of the variance request allowing a 10 foot utility easement rather than the required 20 feet. The motion died for lack of a second.

Commissioner Tinsley moved to deny the variance request to allow the applicants to file an encroachment agreement, and authorize the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Tinsley moved approval of the proposed subdivision subject to 17 conditions as recommended by staff and authorize the Chair to sign. Commissioner Murray seconded the motion.

Commissioner Tinsley referred to a letter from the Superintendent of the East Helena School District regarding the impact of schools on a proposed subdivision.

Ron Alles discussed cumulative impacts related to subdivisions. The City and County are going to pursue perhaps impact fees over the course of the next 6 to 8 months and perhaps the East Helena School District ought to be brought into that discussion.

Amendments to Conditions of Approval.

Condition 12.d. Commissioner Murray moved approval of the new language as recommended by staff. Commissioner Tinsley seconded the motion and it carried unanimously.

Condition 12.u. Commissioner Murray moved approval as amended and also adding language regarding about noise and odors. Commissioner Tinsley seconded the motion and it carried unanimously.

Condition 12.n.3 and Condition 15.b. Commissioner Tinsley moved approval to strike these two conditions. Commissioner Murray seconded both motions and it carried unanimously.

The motion to approve the proposed minor subdivision, preliminary plat, subject to 17 conditions with the recommended changes carried unanimously.

Sierra Road South Wastewater Treatment Facilities Draft Preliminary Engineering Report. Commissioner Varone reported the Commissioners have scheduled another public meeting on March 16 at 5:30 p.m. in Commission Chambers to allow the City Manager to discuss the annexation process.

Commissioner Tinsley moved to extend the public written comment period to March 24. Commissioner Murray seconded the motion and it carried unanimously.

Public comments on matters not mentioned above.

The Valley Septic Meeting will be carried on HCTV, Channel 11.

There was no other business and the meeting adjourned at 9:32 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Anita L. Varone, Chair

Michael A. Murray, Vice-Chair

Ed Tinsley, Member

ATTEST:

Paulette DeHart, Clerk of the Board